

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNION CONSTRUCTION WORKERS HEALTH PLAN BOARD OF TRUSTEES,	:	Case No. 3:09-cv-00467
	:	Senior Judge James G. Carr
Plaintiff,	:	<u>STIPULATION OF DISMISSAL</u>
vs.	:	
KEY BANK, N.A., et al.,	:	
Defendants.	:	

Pursuant to Federal Rule of Civil Procedure 41, Plaintiff Union Construction Workers Health Plan Board of Trustees and Defendants Key Bank, N.A. and Victory Capital Management, Inc., through undersigned counsel, respectfully stipulate to the dismissal with prejudice of this action, each party to bear its own costs and attorney fees.

Respectfully submitted,

s/David W. Zoll/s (per e-mail authorization)
David W. Zoll (0008548)
Wesley D. Merillat (0080253)
ZOLL KRANZ & BORGESS, LLC
6620 W. Central Avenue, Suite 200
Toledo, Ohio 43617
Telephone: (419) 841-9623
Facsimile: (419) 841-9719
Email: david@toledolaw.com
wes@toledolaw.com

s/Jack F. Fuchs/s
Jack F. Fuchs (0014197)
THOMPSON HINE LLP
312 Walnut Street, Suite 1400
Cincinnati, Ohio 45202
Telephone (513) 352-6700
Facsimile (513) 241-4771
Jack.Fuchs@ThompsonHine.com

OF COUNSEL:

Brian L. Gaj (0029439)
Robert A. West, Jr. (0078379)
Thompson Hine LLP
3900 Victory Center, 127 Public Square
Cleveland, Ohio 44114-1291
Telephone (216) 566-0550

Eric S. Clark (0071035)
Thompson Hine LLP
312 Walnut Street, Suite 1400
Cincinnati, Ohio 45202
Telephone (513) 352-6700

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served on all parties through counsel of record, via Electronic Filing, which electronically transmits service of this document to all counsel, this 14th day of April, 2011.

/s/ Jack F. Fuchs